IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

OP.No. 37672 of 2002(I)

PETITIONER:

JAYA BABY, W/O. P.K.BABY, AGED 40,
PLAMOOTTIL HOUSE, PROPRIETOR, HOTEL HILL VIEW,
B.M.C. P.O., ERNAKULAM DIST.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:
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1. THE TAHSILDAR, KANAYANNUR TALUK,
   ERNAKULAM.

2. REVENUE DIVISIONAL OFFICER,
   FORT COCHIN, ERNAKULAM.

3. TAHSILDAR, REVENUE RECOVERY,
   ERNAKULAM.

4. REVENUE INSPECTOR, REVENUE RECOVERY,
   VILLAGE OFFICE AT VAZHAKALA.

5. STATE OF KERALA,
   REP. BY ITS CHIEF SECRETARY, SECRETARIAT,
   TRIVANDRUM.

6. DISTRICT COLLECTOR, CIVIL LINES,
   KAKKANAD, ERNAKULAM.

BY GOVERNMENT PLEADER, SRI.MATHEW JOSEPH VADAKKEL

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NOS. 63573/2002 AND 12533/2003 IN OP 37672 OF 2002

DISMISSED

SD/-
20.8.07 T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE NOTICE ISSUED BY THE CONVENOR, HRACC SOUTH DT.2.7.1996.

EXT. P2: COPY OF THE NOTICE OF DEMAND BY THE RESPONDENT NO.1 TO THE PETITIONER.

EXT. P3: COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE 2ND RESPONDENT DT. 15.1.1997.

EXT. P4: COPY OF THE JUDGMENT IN O.P.3305 OF 1997 DT.3.3.1997.

EXT. P5: COPY OF THE RECEIPT FOR REMITTANCE OF RS.48000/- DT.16.4.1997 ISSUED BY VILLAGE OFFICER, VAZHAKKALA.

EXT. P6: COPY OF THE ORDER OF THE 2ND RESPONDENT DT.17.6.1998.

EXT. P7: COPY OF THE APPEAL FILED BEFORE THE 6TH RESPONDENT ALONGWITH THE STAY PETITION DT. 25.7.1998.

EXT. P8: COPY OF THE MEMO ISSUED BY THE 6TH RESPONDENT'S OFFICE TO THE PETITIONER DT. 7.8.1998.

EXT. P9: COPY OF THE JUDGMENT IN O.P.23376/1998 DT.26.11.1998.

EXT. P10: COPY OF THE ORDER IN CMP 537/99 IN O.P. 23376/1998 DT.11.2.2002.

EXT. P11: COPY OF THE REMITTANCE FOR RS.48000/- DT.24.2.1999.

EXT. P12: COPY OF THE ORDER OF THE 6TH RESPONDENT DT. 25.1.1999.

EXT. P13: COPY OF THE PETITION DT. 7.3.2002 FILED BEFORE THE 6TH RESPONDENT.

EXT. P14: COPY OF THE ORDER OF THE 6TH RESPONDENT DT. 7.10.2002 SERVED ON THE PETITIONER ON 7.11.2002.

/TRUE COPY/

P.A. TO JUDGE

JP

T.R. Ramachandran Nair, J.

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O.P.NO.37672 of 2002-I

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Dated this the 20th day of August, 2007

JUDGMENT

The petitioner is aggrieved by the order Ext.P12 passed by the District Collector rejecting the revision petition filed by the petitioner on 22.1.1999, only on the ground that the petitioner has not remitted 50% of the amount of building tax assessed, within the time granted by this court in the judgment in O.P.No.23376/1998. Learned counsel for the petitioner points out that as per Ext.P9 judgment this court granted one month's time to remit the amount. There was a further direction that if the amount is remitted within one month, the revisional authority shall consider Ext.P7 revision and shall pass appropriate orders within six weeks, after hearing the petitioner. Thereafter, as per Ext.P10 order dated 11.2.2002 in C.M.P.No.537/1999 in the said original petition, the petitioner was granted time upto 25.2.1999 to comply with the directions in the judgment. Ext.P11 is the challan receipt evidencing payment of the amount on 24.2.1999. Therefore, it is clear that the petitioner has complied with the direction to deposit 50% of the tax assessed. But before Ex.P10 order was passed by this court, the District Collector rejected the revision as per Ext.P12.

2. In the light of the circumstances pointed out above, Ext.P12 is unsustainable and therefore the same is quashed. The revision petition filed by the petitioner will be heard and disposed of on merits by the District Collector, within a period of three months from the date of receipt of a copy of this judgment. This court has granted interim stay of Ext.P15 by order dated 12.3.2003. The said order will continue in force till the revision petition is disposed of and the order thereon is communicated to the petitioner.

The original petition is disposed of in the above terms. No costs.

(T.R. Ramachandran Nair, Judge.)

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T.R. Ramachandran Nair, J.

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O.P. No.37672 of 2002-I

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JUDGMENT

20th August, 2007.